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Committee on Commerce
Room 2125, Rayburn House Office Building
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**OPENING STATEMENT OF
TOM BLILEY, M.C.
CHAIRMAN, COMMITTEE ON COMMERCE
JOINT SUBCOMMITTEE HEARING ON
EPA'S PROPOSED NAAQS REVISIONS
APRIL 17, 1997**

Thank you very much, Chairman Barton.

I understand that today's hearing will focus on EPA's risk assessment and economic analysis for its proposed ozone and particulate matter revisions -- or, put in layman's terms, what the American people can reasonably expect to be the benefits and costs of these rules.

Let me say right at the very beginning--just so there is no misunderstanding-- that the purpose of this hearing is NOT to debate the value of a shortened life or what price we can place on a case of aggravated child asthma, for I don't think that we can ever truly do so. Nor are we here to conduct some rigid cost-benefit analysis to determine whether monetized benefits outweigh monetized costs.

Rather, we are here today to explore whether the costs of these proposals -- both true, out-of-pocket expenses, as well as unquantifiable changes in the lifestyles of Americans -- are reasonable in comparison to the magnitude of the public health risk and the likely effectiveness of the regulations in combating that risk -- in other words, we're here to conduct some good, old-fashioned, common sense public policy.

These principles are embodied in President Clinton's Executive Order 12866. Under this Executive Order, agencies are required to prepare economic analyses for all major proposed rules, and to submit them to the President's Office of Management and Budget for review prior to publication. That review is conducted by OMB's Office of Information and Regulatory Affairs, known as OIRA (*pronounced "O-I-Ra"*). Ms. Sally Katzen, one of our panelists today, is the Administrator of OIRA, and we are pleased to have her with us today.

As Administrator Katzen stated in her prepared remarks for today's hearing, the role of OIRA is to "provide dispassionate, objective review of the agency's work in light of the Executive Order," and to "assure that the regulatory agency presents its proposal, and the justification for it, in a way to permit informed, meaningful input from the public."

Administration. These less than forthright dealings with this Committee have only heightened my concerns about the process that led to the publication of the proposals we will be discussing today.

As I said earlier, I also am very troubled about how other interested federal agencies were virtually shut out of the Executive Order review process. Documents in OMB's public docket for these rulemakings reflect grave agency concerns about both the process behind, and the merits of, EPA's proposals. Because of the limited time there was for other agencies to comment on these proposed rules prior to their publication, I expected many agencies to file comments in EPA's docket during the public comment period, which closed last month.

But, again, there appears to have been some effort within the Administration to quash any dissent on these rules, as only a couple of agencies filed such comments. There have been reports that agencies were advised not to file any public comments on EPA's proposals -- which, if true, would raise serious questions about whether this Administration is playing fast and loose with the trust of the American people.

Because of these disturbing developments, I wrote to a number of the agencies involved in the review of EPA's proposals. If -- and only if -- they did not file public comments, I requested all of their documents relating to these proposals. I did so to make sure that the Administration wasn't keeping vital information about these proposals hidden from public view.

Most agencies have responded to my request, producing hundreds of pages of detailed analyses on these rules. Other agencies and offices, such as the Department of Transportation and those within the White House, have refused, however, to produce responsive documents -- and without any basis in law for doing so. For the record, I will not permit the legitimate information-gathering power of this Committee to be so easily thwarted. We will get all of these documents -- one way or the other.

While I believe that Congress should use its power to inquire into pending rulemakings sparingly and only with substantial reason, historically this Committee has not hesitated to conduct hearings and issue document requests concerning ongoing rulemakings where -- as here -- troubling questions have been raised about the regulatory process.

Thank you Mr. Chairman.